

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

EDWARD S. WALCZAK,

Defendant.

Case No. 3:20-cv-00076 (WMC) (SLC)

ECF Case

**DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS**

Defendant respectfully submits the following proposed jury *voir dire* questions for the Court’s consideration:

**I. Proposed Statement of the Case:**

Edward Walczak was the Senior Portfolio Manager for the Catalyst Hedged Futures Strategy Fund (the “Fund”). The Plaintiff alleges that, in that role, Walczak was responsible for the day to-day management of the Fund, including managing the risk of the Fund’s portfolio. It asserts that a core selling point of the Fund was Walczak’s purported use of “strict risk management procedures” to limit losses. The Plaintiff alleges that Walczak falsely represented that he would manage the Fund in accordance with those “strict risk management procedures” and other disclosures. The Plaintiff further alleges that Walczak failed to manage the Fund in the manner he represented to investors and prospective investors, and that as a result, the Fund lost approximately 20% of its net asset value – totaling more than \$700 million –between December 2016 and February 2017.

Mr. Walczak contends that he acted as a portfolio manager for the Fund and that the Fund was managed, marketed, and sold by Catalyst Capital Advisors, LLC, a sophisticated investment adviser and commodity pool operator registered with the Securities and Exchange Commission, the Plaintiff. Mr. Walczak further asserts that he helped implement the Fund's strategy and did so successfully for years. Walczak denies that he misrepresented, or participated in misrepresentations of, the Fund's investment risks or risk management procedures.

**II. Proposed Additional Voir Dire**

1. Have you or anyone in your household ever worked for a government agency?
2. Have you or anyone in your household ever been a securities or a commodities trader?
3. Have you or anyone in your household ever been an option trader?
4. Have you or anyone in your household ever been a creditor or debtor in a bankruptcy?
5. Have you or anyone in your household ever worked as an accountant?
6. Have you or anyone in your household ever worked as a lawyer?
7. Do you, or does anyone in your household, hold a law degree?
8. Have you or anyone in your household ever worked for an investment fund or investment company?
9. Have you, or has anyone in your household, ever worked for a proprietary trading company?
10. Do you, or does anyone in your household, hold a degree in finance, accounting, physics, or mathematics, or an MBA?

11. Have you or anyone in your household ever been involved in purchasing or selling investments outside of your personal accounts?

12. Have you, or has anyone in your household, ever held an interest in any fund managed or sponsored by Catalyst Capital Advisors, LLC?

13. Have you, or has anyone in your household, ever held an interest in any fund managed or sponsored by Harbor Financial, LLC?

14. Have you, or has anyone in your household, ever held an interest in a fund that trades index futures options?

15. Have you, or has anyone in your household, ever worked as a registered representative of a broker-dealer, futures commission merchant, or introducing broker?

16. Have you, or has anyone in your household, ever worked as an associated person of a registered investment adviser, commodity pool operator, or commodity trading advisor?

17. Have you, or has anyone in your household, ever taken the FINRA Series 3, Series 7, Series 63, or Series 65 exam?

18. Have you, or has anyone in your household, ever taken any exams to qualify as a Chartered Financial Analyst or Chartered Alternative Investment Analyst?

19. Have you, or has anyone in your household, ever worked as a financial advisor?

20. This case has been brought by the Securities and Exchange Commission (“SEC”), an independent agency of the federal government. Is there anything about the fact that the SEC has brought this case that might make you more or less likely to find in favor of the SEC?

21. Have you or anyone in your household ever held or seriously considered a job in law enforcement?

22. Have you ever lost money in a financial investment as the result of what you believe was someone else’s dishonesty?

23. Do you have any specialized knowledge of the securities, commodities, or investment industry?

24. Have you ever worked for a securities, commodities, or financial services non-governmental regulatory agency, such as a stock or commodity exchange, the Securities and Exchange Commission, the Commodity Futures Trading Commission, FINRA, or the NFA?

25. Have you received any training in securities or commodity trading?

26. Do you have any opinions – good or bad – about investment professionals like stock brokers, portfolio managers, investment advisers?

Dated: January 28, 2022

Respectfully submitted,

/s/ James L. Kopecky

Attorneys for Defendant

Edward S. Walczak

By: /s/ James L. Kopecky

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused true and correct copies of the foregoing document to be served upon all counsel of record via email on January 28, 2022.

/s/ James L. Kopecky